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FILED
APR 24 1964
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No. 1038

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1963

ON THE APPEAL OF

H. Elizabeth Galbreath, Defendant-Appellant

Petitioner

in

City of Chicago, a Municipal Corporation,

Petitioner-Appellee

v.

Shell Oil Company, a corporation, and
H. Elizabeth Galbreath, Defendants,

Appeal from the Supreme Court of Illinois

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES

Of Petitioner:
H. Elizabeth Galbreath
Post Office Box 1816
Chicago, Illinois 60690

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TO THE HONORABLE JUDGES OF SAID COURT:

H. Elizabeth Galbreath, Petitioner, Defendant-Appellant, files this her Petition for Writ of Certiorari to the Supreme Court of the United States wherein City of Chicago, a Municipal Corporation is appellee.

I.

OPINIONS OF THE COURTS BELOW

The violations of constitutional guarantees were raised, passed upon and possibly preserved for review by Superior Court of Cook County, Illinois, and an opinion was reported from the Supreme Court of Illinois agreeing with the findings of Superior Court of Cook County, Illinois. These are appended. Separate presentations are the records and other designations and appendices.

II.

JURISDICTION

Jurisdiction of this court is present under Rule 19 of Rules of the Supreme Court of the United States, and other laws of the land for Prohibitive and Mandamus action on matters of imperative public importance.

III.

QUESTIONS PRESENTED

Whether the right of eminent domain, under the United States Constitution, was intended for the use to which the implementation of Urban Renewal and Housing Redevelopment legislation has put it to acquire the home of H. Elizabeth Galbreath, and the questions herein encompassed and to be listed and every subsidiary question fairly comprised therein involving rights safeguarded by the amendments to the United States Constitution numbers I, IV, V, IX, XIV; Article I, Section X, Article IV, Section II, and including the question whether the Urban Renewal and Housing Redevelopment legislation, providing conditions for violation of anti-trust laws and providing commissions fullfilling in one body the roles of executive, legislative, and judicial powers and processes, is substantively and procedurally outrageously unreasonable and unconstitutional.

IV.

STATUTES INVOLVED

The constitutional guarantees involved as stated in paragraph III above, as set forth in general question, are pertinent to this cause.

V.

DATES OF FINDINGS

The date of the opinion of IIllinois Supreme Court on this cause was entered September 27, 1963, upholding the Superior Court of Cook County, Illinois verdict of April 17, 1962.

The appeal to the Illinois Supreme Court for a Rehearing was denied on November 25, 1963. On February 24, 1964, an order was entered extending time to file Petition for Writ of Certiorari to April 23, 1964.

VI.

REASONS FOR GRANTING THE WRIT

Because of modern equipment, demolition is now effected with such ease and swiftness that there is need for judicial light on this nation's protection of the right of the individual to possession of property.

The Petitioner believes the Superior Court of Cook County, Illinois, and the Supreme Court of Illinois were in error in failing to protect the petitioner's rights as guaranteed by these statutes of the United States Constitution.

WHEREFORE, your petitioner prays this Honorable Court to grant the Writ of Certiorari.

Respectfully submitted,

H. Elizabeth Galbreath

H. Elizabeth Galbreath,
Defendant-Appellant, Petitioner
Post Office Box 1816
Chicago, Illinois 60690